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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/700,448	11/05/2003	Zsolr Toth	1011.42224X00	6374
20457 7590 10/04/2007 ANTONELLI, TERRY, STOUT & KRAUS, LLP 1300 NORTH SEVENTEENTH STREET SUITE 1800 ARLINGTON, VA 22209-3873			EXAMINER ALIE, GHASSEM	
			ART UNIT 3724	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/700,448

Applicant(s)

TOTH, ZSOLR

Examiner

Ghassem Alie

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-6,8-15,20,21,24-27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4-6, 8-15, 20-21, 24-27, and 29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

***Response to Appeal Brief***

1. In view of the appeal brief filed on 07/03/07, PROSECUTION IS HEREBY REOPENED. A new grounds of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-6 and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Sandford (5,515,749). Regarding claim 1, Sandford teaches rotary die cutter 20 for making a corrugated carton blank, from which a carton having at least one quick closing continuous closure panel can be erected, from a stock sheet of corrugated material. See Fig. 1 in Sandford. Sandford also teaches that the rotary die includes a plurality of at least five interlocking modular die components which are capable of being combined in multiple configurations for producing multiple carton sizes, said die components being mountable

directly on a roller of a rotary die cutter where the die components are interlocked with one another, each die component having at least one blade thereon for at least one of scoring, creasing and cutting a corrugated sheet to cooperatively form a corrugated carton blank in a rotary die cutter from a stock sheet of corrugated material. It should be noted that the die 10 has all the blades needed to cut a corrugated board from E flute. See Fig. 4 in Sandford. The components for cutting a stock sheet of corrugated material sheet are joined or locked together by joiner 71. Sandford also teaches that the plurality of die components include, with reference to the three dimensions of the carton to be erected from the corrugated carton blank, at least one length die component which determines the length of the carton, at least one height die component which determines the height of the carton, and at least two closure panel die components which determine the width of the carton and produce respective fold-in panels of said at least one quick closing continuous closure panel. Sandford, also teaches that each of said closure panel die components includes two slit/cut blades each arranged for slitting a 45 degree angled line on a fold-in panel of a quick closing continuous closure panel, two perforation blades each arranged to cut and score the corrugated stock sheet to form a perforated straight line that is perpendicular to the length of the carton blank, and one scoring blade arranged to score a straight line at the bottom of the fold-in panel, parallel to the length of the carton blank and between the two perforated lines formed by said two perforation blades. It should be noted that Sandford teaches that adjacent dies 50 or portion of the dies 51 are joined by joiner 71. See Fig. 4 in Stabford. In this case, all the dies 51 that are interlocked together could be considered as a die. At least five dies 50 are interlocked together. In addition, Stanford teaches that the die portions can join together by joiner 71. See Fig. 5 and

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col. 3, lines 65-67 and col. 4, lines 1-4 and col. 5, lines 21-37. Each die includes all the components 18 or blades needed for erecting a carton from the corrugated carton. See Fig. 1 in Sanford.

Regarding claims 4-6, Stanford teaches everything noted above including a plurality of die mounting clamps for mounting the die components directly on a roller of a rotary die cutter; the die mounting clamps include means for adjustably positioning the clamps relative to threaded attachment holes in a roller of a rotary die cutter on which the die components are mounted; and the plurality of die components include components having slots on their outer surfaces for receiving said die mounting clamps therein when the die components are mounted on a roller of a rotary die cutter. See Figs. 1-3 in Stanford.

Regarding claim 25, Sanford teaches everything noted above including that the plurality of die components is secured in position on a roller of a rotary die cutter 20.

To the degree that it could be argued that the modular are not interlocked together the rejection below is applied.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1, 4-6, 8-15, 20-21, 24-27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sanford (5,515,749) in view of Koelsch (5,875,699). Regarding claim 1,

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Sandford teaches rotary die cutter 20 for making a corrugated carton blank, from which a carton having at least one quick closing continuous closure panel can be erected, from a stock sheet of corrugated material. See Fig. 1 in Sandford. Sandford also teaches that the rotary die includes a plurality of at least five modular die components which are capable of being combined in multiple configurations for producing multiple carton sizes, said die components being mountable directly on a roller of a rotary die cutter where the die components are interlocked with one another, each die component having at least one blade thereon for at least one of scoring, creasing and cutting a corrugated sheet to cooperatively form a corrugated carton blank in a rotary die cutter from a stock sheet of corrugated material. It should be noted that the die 10 has all the blades needed to cut a corrugated board from E flute. See Fig. 4 in Sandford. The components for cutting a stock sheet of corrugated material sheet are joined or locked together by joiner 71. Sandford also teaches that the plurality of die components include, with reference to the three dimensions of the carton to be erected from the corrugated carton blank, at least one length die component which determines the length of the carton, at least one height die component which determines the height of the carton, and at least two closure panel die components which determine the width of the carton and produce respective fold-in panels of said at least one quick closing continuous closure panel. Sandford, also teaches that each of said closure panel die components includes two slit/cut blades each arranged for slitting a 45 degree angled line on a fold-in panel of a quick closing continuous closure panel, two perforation blades each arranged to cut and score the corrugated stock sheet to form a perforated straight line that is perpendicular to the length of the carton blank, and one scoring blade arranged to score a straight line at the bottom of

the fold-in panel, parallel to the length of the carton blank and between the two perforated lines formed by said two perforation blades. It should be noted that Sandford teaches that adjacent dies 50 or portion of the dies 51 are joined by joiner 71. See Fig. 4 in Sandford. In this case, all the dies 51 that are interlocked together could be considered as a die. At least five dies 50 are interlocked together. In addition, Sandford teaches that the die portions can join together by joiner 71. See Fig. 5 and col. 3, lines 65-67 and col. 4, lines 1-4 and col. 5, lines 21-37. Each die includes all the components 18 or blades needed for erecting a carton from the corrugated carton. See Fig. 1 in Sandford.

Sandford does not explicitly teach that the modular are interlocked. However, Koelsh teaches modular interlocked together. See Figs. 1-7 in Koelsh. It would have been obvious to a person of ordinary skill in the art to provide Sandford's rotary die with the interlocking mechanism, as taught by Koelsch, in order to ensure that the modular are firmly locked together.

Regarding claims 4-6, Sandford teaches everything noted above including a plurality of die mounting clamps for mounting the die components directly on a roller of a rotary die cutter; the die mounting clamps include means for adjustably positioning the clamps relative to threaded attachment holes in a roller of a rotary die cutter on which the die components are mounted; and the plurality of die components include components having slots on their outer surfaces for receiving said die mounting clamps therein when the die components are mounted on a roller of a rotary die cutter. See Figs. 1-3 in Sandford.

Regarding claims 8-15, 20-21, and 25, Sandford teaches everything noted above including that the plurality of die components are secured in position on a roller of a rotary

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die cutter 20; and the plurality of components inherently include all the dies or blades specified in claims. In addition, it would have been obvious to a person of ordinary skill in the art to provide the at least five modular with dies and blades that are specified in the claims, since for manufacturing various carton or boxed specific types of dies or blades needed and rearrangement of the dies or blades is also involves routine skill in the art. and the plurality of die components are pre-assembled in interlocking relation with one another on a brace for positioning the pre-assembled die components on a roller of a rotary die cutter.

Regarding claim 24, Sandford, teaches everything noted above except that the plurality of die components are pre-assembled in interlocking relation with one another on a brace for positioning the pre-assembled die components on a roller of a rotary die cutter. However, Official Notice is taken that preassembling the die components in a brace is well known in the art.

Regarding claim 26, 27 and 29, Sandford teaches everything noted above, but Stanford does not explicitly teach a rotary die anvil roller. However, Koelsch teaches that the use of a rotary die anvil roller with a rotary die roller is well known in the art. It would have been obvious to a person of ordinary skill in the art to provide Sandford's cutting apparatus with the rotary anvil, as taught by Koelsch, in order to cut sheets of material.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1, 4-6, 8-15, 20-21, 24-27 and 29 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***



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7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chang (2002/0117026) teach a modular/configurable die capable of making a corrugated carton blank.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501.

The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (too-free).

Ghassem Alie  
Patent Examiner  
Art Unit 3724



GA/ga

September 29, 2007